

APPEAL

**U.S. District Court  
District of Rhode Island (Providence)  
CIVIL DOCKET FOR CASE #: 1:25-cv-00039-JJM-PAS**

State of New York et al v. Trump et al  
Assigned to: Chief Judge John J. McConnell, Jr.  
Referred to: Magistrate Judge Patricia A. Sullivan  
Case in other court: First Circuit, 25-01138 (requires PACER login)  
Cause: 05:551 Administrative Procedure Act

Date Filed: 01/28/2025  
Jury Demand: None  
Nature of Suit: 899 Other Statutes:  
Administrative Procedures Act/Review or  
Appeal of Agency Decision  
Jurisdiction: U.S. Government Defendant

**Plaintiff**

**State of New York**

represented by **Kathryn M. Sabatini**  
Rhode Island Attorney General  
150 South Main Street  
Providence, RI 02906  
401-274-4400  
Email: [KSabatini@riag.ri.gov](mailto:KSabatini@riag.ri.gov)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Leonard Giarrano , IV**  
RI Department of Attorney General  
150 South Main Street  
Providence, RI 02903  
401-274-4400  
Email: [lgarrano@riag.ri.gov](mailto:lgarrano@riag.ri.gov)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Colleen K. Faherty**  
NYS Office of The Attorney General  
Executive Division – Office of Federal  
Initiatives  
28 Liberty St.  
18th Floor  
New York, NY 10005  
212-416-6046  
Fax: 212-416-6009  
Email: [colleen.faherty@ag.ny.gov](mailto:colleen.faherty@ag.ny.gov)  
*PRO HAC VICE*  
*ATTORNEY TO BE NOTICED*

**Michael Joseph Myers**  
NYS Attorney General  
Env. Prot. Bureau, The Capitol  
Albany, NY 12224  
(518) 776-2382  
Email: [Michael.Myers@ag.ny.gov](mailto:Michael.Myers@ag.ny.gov)

*PRO HAC VICE*  
*ATTORNEY TO BE NOTICED*

**Molly Thomas–Jensen**  
NYS Office of The Attorney General  
28 Liberty Street  
18th Floor  
New York, NY 10005  
212–416–8679  
Email: [molly.thomas-jensen@ag.ny.gov](mailto:molly.thomas-jensen@ag.ny.gov)  
*PRO HAC VICE*  
*ATTORNEY TO BE NOTICED*

**Rabia Muqaddam**  
Office of the New York State Attorney  
General  
28 Liberty St  
New York, NY 10005  
212–416–8883  
Email: [rabia.muqaddam@ag.ny.gov](mailto:rabia.muqaddam@ag.ny.gov)  
*PRO HAC VICE*  
*ATTORNEY TO BE NOTICED*

**Zoe Levine**  
NYS Office of The Attorney General  
28 Liberty Street  
New York, NY 10005  
212–416–8329  
Email: [zoe.levine@ag.ny.gov](mailto:zoe.levine@ag.ny.gov)  
*PRO HAC VICE*  
*ATTORNEY TO BE NOTICED*

**Sarah Rice**  
RI Department of Attorney General  
150 South Main Street  
Providence, RI 02903  
401–274–4400  
Email: [srice@riag.ri.gov](mailto:srice@riag.ri.gov)  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**State of California**

represented by **Kathryn M. Sabatini**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Leonard Giarrano , IV**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Carly J. Munson**

California Dept. of Justice  
1300 I Street  
Sacramento, CA 95814  
916-210-7845  
Email: [carly.munson@doj.ca.gov](mailto:carly.munson@doj.ca.gov)  
*PRO HAC VICE*  
*ATTORNEY TO BE NOTICED*

**Christine Chuang**  
Office of The Attorney General  
California  
455 Golden Gate Avenue  
Suite 11000  
San Francisco, CA 94102  
415-510-3525  
Email: [christine.chuang@doj.ca.gov](mailto:christine.chuang@doj.ca.gov)  
*PRO HAC VICE*  
*ATTORNEY TO BE NOTICED*

**Christopher J. Kissel**  
California Dept. of Justice  
300 S. Spring Street  
Los Angeles, CA 90013  
213-269-6388  
Fax: 213-269-6250  
Email: [christopher.kissel@doj.ca.gov](mailto:christopher.kissel@doj.ca.gov)  
*PRO HAC VICE*  
*ATTORNEY TO BE NOTICED*

**Kenneth J. Sugarman**  
Office of The Attorney General  
Office of the Attorney General  
455 Golden Gate Avenue  
Suite 11000  
San Francisco, CA 94110  
415-510-3531  
Email: [kenneth.sugarman@doj.ca.gov](mailto:kenneth.sugarman@doj.ca.gov)  
*PRO HAC VICE*  
*ATTORNEY TO BE NOTICED*

**Lara Haddad**  
California Dept. of Justice  
Los Angeles, CA 90013  
213-269-6250  
Fax: 916-269-6250  
Email: [lara.haddad@doj.ca.gov](mailto:lara.haddad@doj.ca.gov)  
*PRO HAC VICE*  
*ATTORNEY TO BE NOTICED*

**Laura Faer**  
Office of The Attorney General  
1515 Clay Street

Ste 20th Floor  
Oakland, CA 94612  
510-879-3304  
Email: [laura.faer@doj.ca.gov](mailto:laura.faer@doj.ca.gov)  
*PRO HAC VICE*  
*ATTORNEY TO BE NOTICED*

**Marie E. Logan**  
California Dept. of Justice  
1515 Clay St  
Oakland, CA 94612  
510-879-3136  
Email: [marie.logan@doj.ca.gov](mailto:marie.logan@doj.ca.gov)  
*PRO HAC VICE*  
*ATTORNEY TO BE NOTICED*

**Molly Thomas-Jensen**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Nicholas R. Green**  
California Dept. of Justice  
San Francisco, CA 94102  
415-510-3597  
Email: [nicholas.green@doj.ca.gov](mailto:nicholas.green@doj.ca.gov)  
*PRO HAC VICE*  
*ATTORNEY TO BE NOTICED*

**Theodore McCombs**  
California Dept. of Justice  
600 W. Broadway  
Suite 1800  
San Diego, CA 92101  
619-738-9003  
Fax: 619-645-2012  
Email: [theodore.mccombs@doj.ca.gov](mailto:theodore.mccombs@doj.ca.gov)  
*PRO HAC VICE*  
*ATTORNEY TO BE NOTICED*

**Sarah Rice**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**State of Illinois**

represented by **Kathryn M. Sabatini**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Leonard Giarrano , IV**  
(See above for address)  
*LEAD ATTORNEY*

*ATTORNEY TO BE NOTICED*

**Alex Hemmer**

Illinois Attorney General's Office  
115 S. LaSalle St.

Chicago, IL 60603

312-814-5526

Email: [alex.hemmer@ilag.gov](mailto:alex.hemmer@ilag.gov)

*PRO HAC VICE*

*ATTORNEY TO BE NOTICED*

**Molly Thomas-Jensen**

(See above for address)

*ATTORNEY TO BE NOTICED*

**Sarah Rice**

(See above for address)

*ATTORNEY TO BE NOTICED*

**Plaintiff**

**State of Rhode Island**

represented by **Kathryn M. Sabatini**

(See above for address)

*ATTORNEY TO BE NOTICED*

**Leonard Giarrano , IV**

(See above for address)

*ATTORNEY TO BE NOTICED*

**Molly Thomas-Jensen**

(See above for address)

*ATTORNEY TO BE NOTICED*

**Sarah Rice**

(See above for address)

*ATTORNEY TO BE NOTICED*

**Plaintiff**

**State of New Jersey**

represented by **Kathryn M. Sabatini**

(See above for address)

*LEAD ATTORNEY*

*ATTORNEY TO BE NOTICED*

**Leonard Giarrano , IV**

(See above for address)

*LEAD ATTORNEY*

*ATTORNEY TO BE NOTICED*

**Angela Cai**

Office of the NJ Attorney General

25 Market St

PO Box 080

Trenton, NJ 06811  
609-414-5954  
Email: [angela.cai@njoag.gov](mailto:angela.cai@njoag.gov)  
*PRO HAC VICE*  
*ATTORNEY TO BE NOTICED*

**Jeremy Feigenbaum**  
NJ AG's Office  
25 Market St  
PO Box 080  
Trenton, NJ 06811  
609-376-2690  
Email: [jeremy.feigenbaum@njoag.gov](mailto:jeremy.feigenbaum@njoag.gov)  
*PRO HAC VICE*  
*ATTORNEY TO BE NOTICED*

**Molly Thomas-Jensen**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Shankar Duraiswamy**  
New Jersey Office of Attorney General  
33 Washington St  
Newark, NJ 07102  
609-649-1019  
Email: [shankar.duraiswamy@njoag.gov](mailto:shankar.duraiswamy@njoag.gov)  
*PRO HAC VICE*  
*ATTORNEY TO BE NOTICED*

**Sarah Rice**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**Commonwealth of Massachusetts**

represented by **Kathryn M. Sabatini**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Leonard Giarrano , IV**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Anna Esther Lumelsky**  
Massachusetts Attorney General's Office  
One Ashburton Place  
Boston, MA 02108  
617-963-2334  
Email: [Anna.Lumelsky@mass.gov](mailto:Anna.Lumelsky@mass.gov)  
*PRO HAC VICE*  
*ATTORNEY TO BE NOTICED*

**Katherine Dirks**

Mass. Office of the Attorney General  
1 Ashburton Pl.  
Boston, MA 02108  
617-963-2277  
Fax: 617-727-3076  
Email: [katherine.dirks@mass.gov](mailto:katherine.dirks@mass.gov)  
*PRO HAC VICE*  
*ATTORNEY TO BE NOTICED*

**Molly Thomas-Jensen**

(See above for address)  
*ATTORNEY TO BE NOTICED*

**Turner Helen Smith**

MA Office of the Attorney General  
One Ashburton Place  
Ste 18th Floor  
Boston, MA 02108  
617-721-9174  
Email: [Turner.Smith@mass.gov](mailto:Turner.Smith@mass.gov)  
*PRO HAC VICE*  
*ATTORNEY TO BE NOTICED*

**Sarah Rice**

(See above for address)  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**State of Arizona**

represented by **Kathryn M. Sabatini**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Leonard Giarrano , IV**

(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Joshua David Rothenberg Bendor**

Arizona Attorney General's Office  
Solicitor General's Office  
2005 North Central Avenue  
Phoenix, AZ 85004  
602-542-8958  
Fax: 602-542-8308  
Email: [joshua.bendor@azag.gov](mailto:joshua.bendor@azag.gov)  
*PRO HAC VICE*  
*ATTORNEY TO BE NOTICED*

**Molly Thomas-Jensen**

(See above for address)  
*ATTORNEY TO BE NOTICED*

**Nathan T. Arrowsmith**  
Arizona Attorney General's Office  
Solicitor General's Office  
2005 North Central Avenue  
Phoenix, AZ 85004  
602-542-8636  
Email: [nathan.arrowsmith@azag.gov](mailto:nathan.arrowsmith@azag.gov)  
*PRO HAC VICE*  
*ATTORNEY TO BE NOTICED*

**Sarah Rice**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**State of Colorado**

represented by **Kathryn M. Sabatini**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Leonard Giarrano , IV**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Molly Thomas-Jensen**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Shannon Stevenson**  
Colorado Department of Law  
1300 Broadway  
Denver, CO 80203  
720-508-6000  
Fax: 720-508-6030  
Email: [shannon.stevenson@coag.gov](mailto:shannon.stevenson@coag.gov)  
*PRO HAC VICE*  
*ATTORNEY TO BE NOTICED*

**Sarah Rice**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**State of Connecticut**

represented by **Kathryn M. Sabatini**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Leonard Giarrano , IV**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Jill Lacedonia**  
Office of the Attorney General, State of  
Connecticut  
Environment Department  
165 Capitol Avenue  
Hartford, CT 06106  
860-808-5250  
Fax: 860-808-5386  
Email: [jill.lacedonia@ct.gov](mailto:jill.lacedonia@ct.gov)  
*PRO HAC VICE*  
*ATTORNEY TO BE NOTICED*

**Michael Kenneth Skold**  
State of Connecticut Office of the Attorney  
General  
Administration  
165 Capitol Avenue  
Ste 5000  
Hartford, CT 06106  
860-808-5316  
Fax: 860-808-5387  
Email: [michael.skold@ct.gov](mailto:michael.skold@ct.gov)  
*PRO HAC VICE*  
*ATTORNEY TO BE NOTICED*

**Molly Thomas-Jensen**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Sarah Rice**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**State of Delaware**

represented by **Kathryn M. Sabatini**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Leonard Giarrano , IV**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Molly Thomas-Jensen**  
(See above for address)

*ATTORNEY TO BE NOTICED*

**Vanessa L. Kassab**

Delaware Department of Justice  
Division of Fraud and Consumer  
Protection

Carvel State Building

820 N. French St.

5th Floor

Wilmington, DE 19801

302-577-8413

Email: [vanessa.kassab@delaware.gov](mailto:vanessa.kassab@delaware.gov)

*PRO HAC VICE*

*ATTORNEY TO BE NOTICED*

**Sarah Rice**

(See above for address)

*ATTORNEY TO BE NOTICED*

**Plaintiff**

**District of Columbia**

represented by **Kathryn M. Sabatini**

(See above for address)

*LEAD ATTORNEY*

*ATTORNEY TO BE NOTICED*

**Leonard Giarrano , IV**

(See above for address)

*LEAD ATTORNEY*

*ATTORNEY TO BE NOTICED*

**Andrew C. Mendrala**

Office of the Attorney General for the  
District of Columbia

Civil Rights Section

400 Sixth Street N.W.

Washington, DC 20001

202-724-9726

Email: [andrew.mendrala@dc.gov](mailto:andrew.mendrala@dc.gov)

*PRO HAC VICE*

*ATTORNEY TO BE NOTICED*

**Molly Thomas-Jensen**

(See above for address)

*ATTORNEY TO BE NOTICED*

**Sarah Rice**

(See above for address)

*ATTORNEY TO BE NOTICED*

**Plaintiff**

**State of Hawaii**

represented by

**Kathryn M. Sabatini**

(See above for address)

*LEAD ATTORNEY**ATTORNEY TO BE NOTICED***Leonard Giarrano , IV**

(See above for address)

*LEAD ATTORNEY**ATTORNEY TO BE NOTICED***David D. Day**State of Hawaii Dept. of the Attorney  
General

425 Queen Street

Honolulu, HI 96813

808-586-1284

Fax: 808-586-1239

Email: [david.d.day@hawaii.gov](mailto:david.d.day@hawaii.gov)*PRO HAC VICE**ATTORNEY TO BE NOTICED***Kalikoonalani D. Fernandes**State of Hawaii Dept. of the Attorney  
General

425 Queen Street

Honolulu, HI 96813

808-586-1360

Fax: 808-586-8116

Email: [kaliko.d.fernandes@hawaii.gov](mailto:kaliko.d.fernandes@hawaii.gov)*PRO HAC VICE**ATTORNEY TO BE NOTICED***Molly Thomas-Jensen**

(See above for address)

*ATTORNEY TO BE NOTICED***Sarah Rice**

(See above for address)

*ATTORNEY TO BE NOTICED***Plaintiff****State of Maine**represented by **Kathryn M. Sabatini**

(See above for address)

*LEAD ATTORNEY**ATTORNEY TO BE NOTICED***Leonard Giarrano , IV**

(See above for address)

*LEAD ATTORNEY**ATTORNEY TO BE NOTICED***Jason David Anton**

Office of the Maine Attorney General  
6 State House Station  
Augusta, ME 04333  
207-626-8412  
Email: [jason.anton@maine.gov](mailto:jason.anton@maine.gov)  
*PRO HAC VICE*  
*ATTORNEY TO BE NOTICED*

**Molly Thomas-Jensen**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Sarah Rice**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**State of Maryland**

represented by **Kathryn M. Sabatini**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Leonard Giarrano , IV**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Adam Kirschner**  
Office of the Attorney General- State of  
Maryland  
200 Saint Paul Place  
Baltimore, MD 21202  
410-576-6424  
Email: [akirschner@oag.state.md.us](mailto:akirschner@oag.state.md.us)  
*PRO HAC VICE*  
*ATTORNEY TO BE NOTICED*

**Molly Thomas-Jensen**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Sarah Rice**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**State of Michigan**

represented by **Kathryn M. Sabatini**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Leonard Giarrano , IV**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Linus Banghart–Linn**  
Michigan Dept of Atty General  
525 W Ottawa St  
Lansing, MI 48933  
517–281–6677  
Fax: 517–335–7644  
Email: [banghart-linnl@michigan.gov](mailto:banghart-linnl@michigan.gov)  
*PRO HAC VICE*  
*ATTORNEY TO BE NOTICED*

**Molly Thomas–Jensen**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Neil Giovanatti**  
Michigan Department of Attorney General  
525 W. Ottawa Street  
P.O. Box 30758  
Lansing, MI 48909  
517–335–7603  
Email: [giovanattin@michigan.gov](mailto:giovanattin@michigan.gov)  
*PRO HAC VICE*  
*ATTORNEY TO BE NOTICED*

**Sarah Rice**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**State of Minnesota**

represented by **Kathryn M. Sabatini**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Leonard Giarrano , IV**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Elizabeth Kramer**  
MN Attorney General Office  
445 Minnesota Street  
St. Paul, MN 55102  
651–757–1010  
Email: [liz.kramer@ag.state.mn.us](mailto:liz.kramer@ag.state.mn.us)  
*PRO HAC VICE*  
*ATTORNEY TO BE NOTICED*

**Molly Thomas–Jensen**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Sarah Rice**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**State of Nevada**

represented by **Kathryn M. Sabatini**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Leonard Giarrano , IV**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Heidi Parry Stern**  
Nevada Attorney General's Office  
Solicitor General  
1 State of Nevada Way  
Ste 100  
Las Vegas, NV 89119  
702–486–3594  
Email: [hstern@ag.nv.gov](mailto:hstern@ag.nv.gov)  
*PRO HAC VICE*  
*ATTORNEY TO BE NOTICED*

**Molly Thomas–Jensen**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Sarah Rice**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**State of North Carolina**

represented by **Kathryn M. Sabatini**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Leonard Giarrano , IV**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Daniel P. Mosteller**

N.C Department of Justice  
PO Box 629  
Raleigh, NC 27602  
919-716-6026  
Email: [dmosteller@ncdoj.gov](mailto:dmosteller@ncdoj.gov)  
*PRO HAC VICE*  
*ATTORNEY TO BE NOTICED*

**Molly Thomas-Jensen**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Sarah Rice**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**State of New Mexico**

represented by **Kathryn M. Sabatini**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Leonard Giarrano , IV**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Anjana Samant**  
NM Department of Justice  
408 Galisteo St  
Santa Fe, NM 87501  
505-270-4332  
Email: [asamant@nmdoj.gov](mailto:asamant@nmdoj.gov)  
*PRO HAC VICE*  
*ATTORNEY TO BE NOTICED*

**Molly Thomas-Jensen**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Sarah Rice**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**State of Oregon**

represented by **Kathryn M. Sabatini**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Leonard Giarrano , IV**

(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Christina L. Beatty–Walters**  
Oregon Department of Justice  
100 SW Market Street  
Portland, OR 97201–5702  
971–673–1880  
Fax: 971–673–5000  
Email: [tina.beattywalters@doj.oregon.gov](mailto:tina.beattywalters@doj.oregon.gov)  
*PRO HAC VICE*  
*ATTORNEY TO BE NOTICED*

**Molly Thomas–Jensen**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Sarah Rice**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**State of Vermont**

represented by **Kathryn M. Sabatini**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Leonard Giarrano , IV**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Jonathan T. Rose**  
Office of the Attorney General  
Appellate Unit  
109 State Street  
Montpelier, VT 05609  
802–793–1646  
Email: [jonathan.rose@vermont.gov](mailto:jonathan.rose@vermont.gov)  
*PRO HAC VICE*  
*ATTORNEY TO BE NOTICED*

**Molly Thomas–Jensen**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Sarah Rice**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**State of Washington**

represented by **Kathryn M. Sabatini**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Leonard Giarrano , IV**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Andrew R.W. Hughes**  
State of Washington Attorney General's  
Office  
Complex Litigation  
800 Fifth Avenue  
Suite 2000  
Seattle, WA 98104  
206-464-7744  
Email: [andrew.hughes@atg.wa.gov](mailto:andrew.hughes@atg.wa.gov)  
*PRO HAC VICE*  
*ATTORNEY TO BE NOTICED*

**Leah Brown**  
Office of the Washington Attorney General  
Environmental Protection Division  
800 Fifth Ave  
Suite 2000  
Seattle, WA 98104  
206-233-3391  
Fax: 206-587-5088  
Email: [leah.brown@atg.wa.gov](mailto:leah.brown@atg.wa.gov)  
*PRO HAC VICE*  
*ATTORNEY TO BE NOTICED*

**Molly Thomas-Jensen**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Sarah Rice**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**State of Wisconsin**

represented by **Kathryn M. Sabatini**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Leonard Giarrano , IV**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Aaron Bibb**

Wisconsin Department of Justice  
17 West Main St  
PO Box 7857  
Madison, WI 53707-7857  
608-266-0810  
Fax: 608-294-2907  
Email: [bibbaj@doj.state.wi.us](mailto:bibbaj@doj.state.wi.us)  
*PRO HAC VICE*  
*ATTORNEY TO BE NOTICED*

**Molly Thomas-Jensen**

(See above for address)  
*ATTORNEY TO BE NOTICED*

**Sarah Rice**

(See above for address)  
*ATTORNEY TO BE NOTICED*

V.

**Defendant****Donald Trump**

*in his official capacity as President of the  
United States*

represented by

**Daniel Schwei**

DOJ-Civ  
1100 L St., N.W.  
Room 11532  
Washington, DC 20530  
202-305-8693  
Email: [daniel.s.schwei@usdoj.gov](mailto:daniel.s.schwei@usdoj.gov)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Andrew Freidah**

DOJ-Civ  
1100 L Street NW  
Ste 12308  
Washington, DC 20005  
202-305-0879  
Email: [andrew.f.freidah@usdoj.gov](mailto:andrew.f.freidah@usdoj.gov)  
*ATTORNEY TO BE NOTICED*

**Eitan Sirkovich**

DOJ-Civ  
1100 L Street NW  
Room 12310  
Washington, DC 20005  
585-694-1124  
Email: [eitan.r.sirkovich@usdoj.gov](mailto:eitan.r.sirkovich@usdoj.gov)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**U.S. Office of Management and Budget**

represented by **Daniel Schwei**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Andrew Freidah**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Eitan Sirkovich**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Matthew Vaeth**  
*in his official capacity as Acting Director  
of the U.S. Office of Management and  
Budget*

represented by **Daniel Schwei**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Andrew Freidah**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Eitan Sirkovich**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**U.S. Department of the Treasury**

represented by **Daniel Schwei**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Andrew Freidah**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Eitan Sirkovich**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Scott Bessent**  
*in his official capacity as Secretary of the  
Treasury*

represented by **Daniel Schwei**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Andrew Freidah**  
(See above for address)

*ATTORNEY TO BE NOTICED*

**Eitan Sirkovich**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Patricia Collins**  
*in her official capacity as Treasurer of  
the U.S.*

represented by **Daniel Schwei**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Andrew Freidah**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Eitan Sirkovich**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**U.S. Department of Health and Human  
Services**

represented by **Daniel Schwei**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Andrew Freidah**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Eitan Sirkovich**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**M.D. Dorothy A Fink**  
*in her official capacity as Acting  
Secretary of Health and Human Services*

represented by **Daniel Schwei**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Andrew Freidah**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Eitan Sirkovich**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**U.S. Department of Education**

represented by

**Daniel Schwei**

(See above for address)

*LEAD ATTORNEY**ATTORNEY TO BE NOTICED***Andrew Freidah**

(See above for address)

*ATTORNEY TO BE NOTICED***Eitan Sirkovich**

(See above for address)

*ATTORNEY TO BE NOTICED***Defendant****Denise Carter***in her official capacity as Acting  
Secretary of Education*represented by **Daniel Schwei**

(See above for address)

*LEAD ATTORNEY**ATTORNEY TO BE NOTICED***Andrew Freidah**

(See above for address)

*ATTORNEY TO BE NOTICED***Eitan Sirkovich**

(See above for address)

*ATTORNEY TO BE NOTICED***Defendant****U.S. Federal Emergency Management  
Agency**represented by **Daniel Schwei**

(See above for address)

*LEAD ATTORNEY**ATTORNEY TO BE NOTICED***Andrew Freidah**

(See above for address)

*ATTORNEY TO BE NOTICED***Eitan Sirkovich**

(See above for address)

*ATTORNEY TO BE NOTICED***Defendant****Cameron Hamilton***in his official capacity as Acting  
Administrator of the U.S. Federal  
Emergency Management*represented by **Daniel Schwei**

(See above for address)

*LEAD ATTORNEY**ATTORNEY TO BE NOTICED***Andrew Freidah**

(See above for address)

*ATTORNEY TO BE NOTICED*

**Eitan Sirkovich**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**U.S. Department of Transportation**

represented by **Daniel Schwei**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Andrew Freidah**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Eitan Sirkovich**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Judith Kaleta**  
*in her official capacity as Acting  
Secretary of Transportation*

represented by **Daniel Schwei**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Andrew Freidah**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Eitan Sirkovich**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**U.S. Department of Labor**

represented by **Daniel Schwei**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Andrew Freidah**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Eitan Sirkovich**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Vince Micone**  
*in his official capacity as Acting  
Secretary of Labor*

represented by **Daniel Schwei**  
(See above for address)  
*LEAD ATTORNEY*

*ATTORNEY TO BE NOTICED*

**Andrew Freidah**

(See above for address)

*ATTORNEY TO BE NOTICED*

**Eitan Sirkovich**

(See above for address)

*ATTORNEY TO BE NOTICED*

**Defendant**

**U.S. Department of Energy**

represented by **Daniel Schwei**

(See above for address)

*LEAD ATTORNEY*

*ATTORNEY TO BE NOTICED*

**Andrew Freidah**

(See above for address)

*ATTORNEY TO BE NOTICED*

**Eitan Sirkovich**

(See above for address)

*ATTORNEY TO BE NOTICED*

**Defendant**

**Ingrid Kolb**

*in her official capacity as Acting  
Secretary of the U.S. Department of  
Energy*

represented by **Daniel Schwei**

(See above for address)

*LEAD ATTORNEY*

*ATTORNEY TO BE NOTICED*

**Andrew Freidah**

(See above for address)

*ATTORNEY TO BE NOTICED*

**Eitan Sirkovich**

(See above for address)

*ATTORNEY TO BE NOTICED*

**Defendant**

**U.S. Environmental Protection Agency**

represented by **Daniel Schwei**

(See above for address)

*LEAD ATTORNEY*

*ATTORNEY TO BE NOTICED*

**Andrew Freidah**

(See above for address)

*ATTORNEY TO BE NOTICED*

**Eitan Sirkovich**

(See above for address)

*ATTORNEY TO BE NOTICED*

**Defendant**

**James Payne**  
*in his official capacity as Acting  
Administrator of the U.S. Environmental  
Protection Agency*

represented by **Daniel Schwei**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Andrew Freidah**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Eitan Sirkovich**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**U.S. Department of Homeland Security**

represented by **Daniel Schwei**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Andrew Freidah**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Eitan Sirkovich**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Kristi Noem**  
*in her official capacity as Secretary of  
the U.S. Department of Homeland  
Security*

represented by **Daniel Schwei**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Andrew Freidah**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Eitan Sirkovich**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**U.S. Department of Justice**

represented by **Daniel Schwei**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Andrew Freidah**  
(See above for address)

*ATTORNEY TO BE NOTICED*

**Eitan Sirkovich**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**James R McHenry, III**  
*in his official capacity as Acting Attorney  
General of the U.S. Department of  
Justice*

represented by **Daniel Schwei**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Andrew Freidah**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Eitan Sirkovich**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**The National Science Foundation**

represented by **Daniel Schwei**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Andrew Freidah**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Eitan Sirkovich**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Dr. Sethuraman Panchanathan**  
*in his capacity as Director of the  
National Science Foundation*

represented by **Daniel Schwei**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Andrew Freidah**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Eitan Sirkovich**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant**

represented by

**Lee Michael Zeldin**

*Administrator of the Environmental  
Protection Agency*

**Daniel Schwei**

(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Andrew Freidah**

(See above for address)  
*ATTORNEY TO BE NOTICED*

**Eitan Sirkovich**

(See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Christopher Allen Wright**

*Secretary of the U.S. Department of  
Energy*

represented by **Daniel Schwei**

(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Andrew Freidah**

(See above for address)  
*ATTORNEY TO BE NOTICED*

**Eitan Sirkovich**

(See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Sean P. Duffy**

*Secretary of the U.S. Department of  
Transportation*

represented by **Daniel Schwei**

(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Andrew Freidah**

(See above for address)  
*ATTORNEY TO BE NOTICED*

**Eitan Sirkovich**

(See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Russell Vought**

*Director of the U.S. Office of  
Management and Budget*

represented by **Daniel Schwei**

(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Andrew Freidah**

(See above for address)  
*ATTORNEY TO BE NOTICED*

**Eitan Sirkovich**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Amicus**

**American Center for Law and Justice**

represented by **Brandon S. Bell**  
Fontaine Bell, LLP  
One Davol Square  
Penthouse  
Providence, RI 02903  
274-8800  
Fax: 274-8880  
Email: [bbell@fontainebell.com](mailto:bbell@fontainebell.com)  
*ATTORNEY TO BE NOTICED*

V.

**Movant**

**VR School**

*TERMINATED: 01/29/2025*

**Movant**

**Freedom Cheteni**

531 Lasuen Mall  
#19492  
Stanford, CA 94305  
*United States Non Public School  
Superintendent*

**Movant**

**Arthur West**

120 State Ave  
NE #1497  
Olympia, WA 98501  
*TERMINATED: 02/10/2025*

**Movant**

**Rubin Young**

14060 SW 258th Street  
Homestead, FL 33032  
256-864-2411  
*TERMINATED: 02/12/2025*

Date Filed	#	Docket Text
01/28/2025	<u>1</u>	COMPLAINT ( filing fee paid \$ 405.00, receipt number ARIDC-2092620 ), filed by State of Vermont, State of Arizona, State of California, State of Nevada, State of New York, State of North Carolina, State of Minnesota, State of Maryland, State of Oregon, State of Delaware, District of Columbia, State of Washington, State of

		Maine, State of Wisconsin, Commonwealth of Massachusetts, State of Illinois, State of Connecticut, State of Hawaii, State of Michigan, State of Colorado, State of Rhode Island, State of New Mexico, State of New Jersey. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Civil Cover Sheet)(Rice, Sarah) (Entered: 01/28/2025)
01/28/2025		Case assigned to Chief Judge John J. McConnell, Jr. and Magistrate Judge Patricia A. Sullivan. (Simoncelli, Michael) (Entered: 01/28/2025)
01/28/2025	<u>2</u>	CASE OPENING NOTICE ISSUED (Simoncelli, Michael) (Entered: 01/28/2025)
01/28/2025	<u>3</u>	MOTION for Temporary Restraining Order filed by All Plaintiffs. (Attachments: # <u>1</u> Exhibit)(Rice, Sarah) (Entered: 01/28/2025)
01/28/2025	<u>4</u>	MOTION for Aaron J. Bibb to Appear Pro Hac Vice ( filing fee paid \$ 100.00, receipt number ARIDC-2092646 ) filed by State of Rhode Island. (Giarrano, Leonard) (Entered: 01/28/2025)
01/28/2025	<u>5</u>	MOTION for Alex Hemmer to Appear Pro Hac Vice ( filing fee paid \$ 100.00, receipt number ARIDC-2092647 ) filed by State of Rhode Island. (Giarrano, Leonard) (Entered: 01/28/2025)
01/28/2025	<u>6</u>	MOTION for Andrew Hughes to Appear Pro Hac Vice ( filing fee paid \$ 100.00, receipt number ARIDC-2092648 ) filed by State of Rhode Island. (Giarrano, Leonard) (Entered: 01/28/2025)
01/28/2025	<u>7</u>	MOTION for Andrew C. Mendrala to Appear Pro Hac Vice ( filing fee paid \$ 100.00, receipt number ARIDC-2092649 ) filed by State of Rhode Island. (Giarrano, Leonard) (Entered: 01/28/2025)
01/28/2025	<u>8</u>	MOTION for Christina L. Beatty-Walters to Appear Pro Hac Vice ( filing fee paid \$ 100.00, receipt number ARIDC-2092650 ) filed by State of Rhode Island. (Giarrano, Leonard) (Entered: 01/28/2025)
01/28/2025	<u>9</u>	MOTION for Colleen K. Faherty to Appear Pro Hac Vice ( filing fee paid \$ 100.00, receipt number ARIDC-2092651 ) filed by State of Rhode Island. (Giarrano, Leonard) (Entered: 01/28/2025)
01/28/2025	<u>10</u>	MOTION for Daniel P. Mosteller to Appear Pro Hac Vice ( filing fee paid \$ 100.00, receipt number ARIDC-2092652 ) filed by State of Rhode Island. (Giarrano, Leonard) (Entered: 01/28/2025)
01/28/2025	<u>11</u>	MOTION for David D. Day to Appear Pro Hac Vice ( filing fee paid \$ 100.00, receipt number ARIDC-2092653 ) filed by State of Rhode Island. (Giarrano, Leonard) (Entered: 01/28/2025)
01/28/2025	<u>12</u>	MOTION for Jonathan T. Rose to Appear Pro Hac Vice ( filing fee paid \$ 100.00, receipt number ARIDC-2092654 ) filed by State of Rhode Island. (Giarrano, Leonard) (Entered: 01/28/2025)
01/28/2025	<u>13</u>	MOTION for Joshua David Rothenberg Bendor to Appear Pro Hac Vice ( filing fee paid \$ 100.00, receipt number ARIDC-2092655 ) filed by State of Rhode Island. (Giarrano, Leonard) (Entered: 01/28/2025)
01/28/2025	<u>14</u>	MOTION for Kalikoonalani D. Fernandes to Appear Pro Hac Vice ( filing fee paid \$ 100.00, receipt number ARIDC-2092656 ) filed by State of Rhode Island. (Giarrano, Leonard) (Entered: 01/28/2025)

01/28/2025	<u>15</u>	MOTION for Leah Brown to Appear Pro Hac Vice ( filing fee paid \$ 100.00, receipt number ARIDC-2092657 ) filed by State of Rhode Island. (Giarrano, Leonard) (Entered: 01/28/2025)
01/28/2025	<u>16</u>	MOTION for Linus Banghart-Linn to Appear Pro Hac Vice ( filing fee paid \$ 100.00, receipt number ARIDC-2092658 ) filed by State of Rhode Island. (Giarrano, Leonard) (Entered: 01/28/2025)
01/28/2025	<u>17</u>	MOTION for Michael Kenneth Skold to Appear Pro Hac Vice ( filing fee paid \$ 100.00, receipt number ARIDC-2092659 ) filed by State of Rhode Island. (Giarrano, Leonard) (Entered: 01/28/2025)
01/28/2025	<u>18</u>	MOTION for Molly Thomas-Jensen to Appear Pro Hac Vice ( filing fee paid \$ 100.00, receipt number ARIDC-2092660 ) filed by State of Rhode Island. (Giarrano, Leonard) (Entered: 01/28/2025)
01/28/2025	<u>19</u>	MOTION for Shannon Stevenson to Appear Pro Hac Vice ( filing fee paid \$ 100.00, receipt number ARIDC-2092662 ) filed by State of Rhode Island. (Giarrano, Leonard) (Entered: 01/28/2025)
01/28/2025	<u>20</u>	MOTION for Zoe Levine to Appear Pro Hac Vice ( filing fee paid \$ 100.00, receipt number BRIDC-2092663 ) filed by State of Rhode Island. (Giarrano, Leonard) (Entered: 01/28/2025)
01/28/2025	<u>21</u>	MOTION for Katherine Dirks to Appear Pro Hac Vice ( filing fee paid \$ 100.00, receipt number ARIDC-2092664 ) filed by State of Rhode Island. (Giarrano, Leonard) (Entered: 01/28/2025)
01/28/2025	<u>22</u>	MOTION for Angela Cai to Appear Pro Hac Vice ( filing fee paid \$ 100.00, receipt number ARIDC-2092665 ) filed by State of Rhode Island. (Giarrano, Leonard) (Entered: 01/28/2025)
01/28/2025	<u>23</u>	MOTION for Shankar Duraiswamy to Appear Pro Hac Vice ( filing fee paid \$ 100.00, receipt number ARIDC-2092667 ) filed by State of Rhode Island. (Giarrano, Leonard) (Entered: 01/28/2025)
01/28/2025	<u>24</u>	MOTION for Jeremy M. Feigenbaum to Appear Pro Hac Vice ( filing fee paid \$ 100.00, receipt number ARIDC-2092668 ) filed by State of Rhode Island. (Giarrano, Leonard) (Entered: 01/28/2025)
01/29/2025	<u>25</u>	MOTION for Jason Anton to Appear Pro Hac Vice ( filing fee paid \$ 100.00, receipt number ARIDC-2092688 ) filed by State of Rhode Island. (Giarrano, Leonard) (Entered: 01/29/2025)
01/29/2025		NOTICE of Hearing on <u>3</u> MOTION for Temporary Restraining Order: Motion Hearing via Zoom <b><i>scheduled for Wednesday 1/29/2025 at 3:00 PM as a Remote Hearing</i></b> before Chief Judge John J. McConnell, Jr.; Zoom information has been provided to counsel under separate email. (Jackson, Ryan) (Entered: 01/29/2025)
01/29/2025	<u>26</u>	MOTION for Leave to File Amicus Brief filed by VR School. <b>Responses due by 2/12/2025.</b> (Attachments: # <u>1</u> Proposed Brief, # <u>2</u> Exhibit)(Simoncelli, Michael) (Entered: 01/29/2025)
01/29/2025		TEXT ORDER denying <u>26</u> Motion for Leave to File Amicus Brief: VR School's Motion to File an Amicus Brief is DENIED. The filer, Mr. Freedom Cheteni, is not a member of the bar of this Court (or possibly any court). The Motion is filed on behalf

		of an entity called the "VR School." Pursuant to LR Gen 205(a), an entity needs an attorney of this Court to file with the Court. A non-lawyer may not file with the Court on behalf of an organization or corporate entity <i>pro se</i> . So Ordered by Chief Judge John J. McConnell, Jr. on 1/29/2025. (Jackson, Ryan) (Entered: 01/29/2025)
01/29/2025		TEXT ORDER granting <u>5</u> Motion to Appear Pro Hac Vice of Alex Hemmer. So Ordered by Chief Judge John J. McConnell, Jr. on 1/29/2025. (Hill, Cherelle) (Entered: 01/29/2025)
01/29/2025		TEXT ORDER granting <u>6</u> Motion to Appear Pro Hac Vice of Andrew Hughes. So Ordered by Chief Judge John J. McConnell, Jr. on 1/29/2025. (Hill, Cherelle) (Entered: 01/29/2025)
01/29/2025		TEXT ORDER granting <u>7</u> Motion to Appear Pro Hac Vice of Andrew C. Mendrala. So Ordered by Chief Judge John J. McConnell, Jr. on 1/29/2025. (Hill, Cherelle) (Entered: 01/29/2025)
01/29/2025		DOCKET NOTE: Today's (Wednesday 1/29/25) proceedings in this matter are available to non-case participants via the Court's YouTube channel. Interested parties should visit the Court's website for further viewing information. (Jackson, Ryan) (Entered: 01/29/2025)
01/29/2025		TEXT ORDER granting <u>8</u> Motion to Appear Pro Hac Vice of Christina L. Beatty-Walters. So Ordered by Chief Judge John J. McConnell, Jr. on 1/29/2025. (Hill, Cherelle) (Entered: 01/29/2025)
01/29/2025		TEXT ORDER granting <u>9</u> Motion to Appear Pro Hac Vice of Colleen K. Faherty. So Ordered by Chief Judge John J. McConnell, Jr. on 1/29/2025. (Hill, Cherelle) (Entered: 01/29/2025)
01/29/2025		TEXT ORDER granting <u>10</u> Motion to Appear Pro Hac Vice of Daniel P. Mosteller. So Ordered by Chief Judge John J. McConnell, Jr. on 1/29/2025. (Hill, Cherelle) (Entered: 01/29/2025)
01/29/2025		TEXT ORDER granting <u>11</u> Motion to Appear Pro Hac Vice of David D. Day. So Ordered by Chief Judge John J. McConnell, Jr. on 1/29/2025. (Hill, Cherelle) (Entered: 01/29/2025)
01/29/2025		TEXT ORDER granting <u>12</u> Motion to Appear Pro Hac Vice of Jonathan T. Rose. So Ordered by Chief Judge John J. McConnell, Jr. on 1/29/2025. (Hill, Cherelle) (Entered: 01/29/2025)
01/29/2025		TEXT ORDER granting <u>13</u> Motion to Appear Pro Hac Vice of Joshua David Rothenberg Bendor. So Ordered by Chief Judge John J. McConnell, Jr. on 1/29/2025. (Hill, Cherelle) (Entered: 01/29/2025)
01/29/2025		TEXT ORDER granting <u>14</u> Motion to Appear Pro Hac Vice of Kalikoonalani D. Fernandes. So Ordered by Chief Judge John J. McConnell, Jr. on 1/29/2025. (Hill, Cherelle) (Entered: 01/29/2025)
01/29/2025		TEXT ORDER granting <u>15</u> Motion to Appear Pro Hac Vice of Leah Brown. So Ordered by Chief Judge John J. McConnell, Jr. on 1/29/2025. (Hill, Cherelle) Modified Text on 1/29/2025 (Hill, Cherelle). (Entered: 01/29/2025)
01/29/2025		TEXT ORDER granting <u>16</u> Motion to Appear Pro Hac Vice of Linus Banghart-Linn. So Ordered by Chief Judge John J. McConnell, Jr. on 1/29/2025. (Hill, Cherelle)

		(Entered: 01/29/2025)
01/29/2025		TEXT ORDER granting <u>17</u> Motion to Appear Pro Hac Vice of Michael Kenneth Skold. So Ordered by Chief Judge John J. McConnell, Jr. on 1/29/2025. (Hill, Cherelle) (Entered: 01/29/2025)
01/29/2025		TEXT ORDER granting <u>18</u> Motion to Appear Pro Hac Vice of Molly Thomas-Jensen. So Ordered by Chief Judge John J. McConnell, Jr. on 1/29/2025. (Hill, Cherelle) (Entered: 01/29/2025)
01/29/2025		TEXT ORDER granting <u>19</u> Motion to Appear Pro Hac Vice of Shannon Stevenson. So Ordered by Chief Judge John J. McConnell, Jr. on 1/29/2025. (Hill, Cherelle) (Entered: 01/29/2025)
01/29/2025	<u>27</u>	CORRECTED COMPLAINT, filed by State of Vermont, State of Arizona, State of California, State of Nevada, State of New York, State of North Carolina, State of Minnesota, State of Maryland, State of Oregon, State of Delaware, District of Columbia, State of Washington, State of Maine, State of Wisconsin, Commonwealth of Massachusetts, State of Illinois, State of Connecticut, State of Hawaii, State of Michigan, State of Colorado, State of Rhode Island, State of New Mexico, State of New Jersey. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Civil Cover Sheet)(Rice, Sarah) Modified on 1/29/2025 to correct docket text. (Simoncelli, Michael). (Entered: 01/29/2025)
01/29/2025		TEXT ORDER granting <u>20</u> Motion to Appear Pro Hac Vice of Zoe Levine. So Ordered by Chief Judge John J. McConnell, Jr. on 1/29/2025. (Hill, Cherelle) (Entered: 01/29/2025)
01/29/2025		TEXT ORDER granting <u>21</u> Motion to Appear Pro Hac Vice of Katherine Dirks. So Ordered by Chief Judge John J. McConnell, Jr. on 1/29/2025. (Hill, Cherelle) (Entered: 01/29/2025)
01/29/2025	<u>28</u>	EXHIBIT IN SUPPORT by All Plaintiffs in support of <u>3</u> MOTION for Temporary Restraining Order <i>Corrected Exhibit 3-1</i> . (Rice, Sarah) (Entered: 01/29/2025)
01/29/2025		TEXT ORDER granting <u>22</u> Motion to Appear Pro Hac Vice of Angela Cai. So Ordered by Chief Judge John J. McConnell, Jr. on 1/29/2025. (Hill, Cherelle) (Entered: 01/29/2025)
01/29/2025		TEXT ORDER granting <u>23</u> Motion to Appear Pro Hac Vice of Shankar Duraiswamy. So Ordered by Chief Judge John J. McConnell, Jr. on 1/29/2025. (Hill, Cherelle) (Entered: 01/29/2025)
01/29/2025		TEXT ORDER granting <u>24</u> Motion to Appear Pro Hac Vice of Jeremy Feigenbaum. So Ordered by Chief Judge John J. McConnell, Jr. on 1/29/2025. (Hill, Cherelle) (Entered: 01/29/2025)
01/29/2025		TEXT ORDER granting <u>25</u> Motion to Appear Pro Hac Vice of Jason Anton. So Ordered by Chief Judge John J. McConnell, Jr. on 1/29/2025. (Hill, Cherelle) (Entered: 01/29/2025)
01/29/2025		TEXT ORDER granting <u>4</u> Motion to Appear Pro Hac Vice of Aaron Bibb. So Ordered by Chief Judge John J. McConnell, Jr. on 1/29/2025. (Hill, Cherelle) (Entered: 01/29/2025)
01/29/2025	<u>29</u>	

		MOTION for Christine Chuang to Appear Pro Hac Vice ( filing fee paid \$ 100.00, receipt number ARIDC-2093054 ) filed by State of Rhode Island. (Giarrano, Leonard) (Entered: 01/29/2025)
01/29/2025	<u>30</u>	MOTION for Laura L. Faer to Appear Pro Hac Vice ( filing fee paid \$ 100.00, receipt number ARIDC-2093056 ) filed by State of Rhode Island. (Giarrano, Leonard) (Entered: 01/29/2025)
01/29/2025		TEXT ORDER granting <u>29</u> Motion to Appear Pro Hac Vice of Christine Chuang. So Ordered by Chief Judge John J. McConnell, Jr. on 1/29/2025. (Hill, Cherelle) (Entered: 01/29/2025)
01/29/2025		TEXT ORDER granting <u>30</u> Motion to Appear Pro Hac Vice of Laura Faer. So Ordered by Chief Judge John J. McConnell, Jr. on 1/29/2025. (Hill, Cherelle) (Entered: 01/29/2025)
01/29/2025	<u>31</u>	MOTION for Heidi Parry Stern to Appear Pro Hac Vice ( filing fee paid \$ 100.00, receipt number ARIDC-2093071 ) filed by State of Rhode Island. (Giarrano, Leonard) (Entered: 01/29/2025)
01/29/2025	<u>32</u>	MOTION for Elizabeth Kramer to Appear Pro Hac Vice ( filing fee paid \$ 100.00, receipt number ARIDC-2093081 ) filed by State of Rhode Island. (Giarrano, Leonard) (Entered: 01/29/2025)
01/29/2025	<u>33</u>	MOTION for Adam D. Kirschner to Appear Pro Hac Vice ( filing fee paid \$ 100.00, receipt number ARIDC-2093082 ) filed by State of Rhode Island. (Giarrano, Leonard) (Entered: 01/29/2025)
01/29/2025	<u>34</u>	MOTION for Carly J. Munson to Appear Pro Hac Vice ( filing fee paid \$ 100.00, receipt number BRIDC-2093085 ) filed by State of Rhode Island. (Giarrano, Leonard) (Entered: 01/29/2025)
01/29/2025	<u>35</u>	MOTION for Christopher J. Kissel to Appear Pro Hac Vice ( filing fee paid \$ 100.00, receipt number ARIDC-2093089 ) filed by State of Rhode Island. (Giarrano, Leonard) (Entered: 01/29/2025)
01/29/2025	<u>36</u>	MOTION for Kenneth J. Sugarman to Appear Pro Hac Vice ( filing fee paid \$ 100.00, receipt number ARIDC-2093091 ) filed by State of Rhode Island. (Giarrano, Leonard) (Entered: 01/29/2025)
01/29/2025	<u>37</u>	MOTION for Lara Haddad to Appear Pro Hac Vice ( filing fee paid \$ 100.00, receipt number ARIDC-2093096 ) filed by State of Rhode Island. (Giarrano, Leonard) (Entered: 01/29/2025)
01/29/2025	<u>38</u>	MOTION for Nicholas R. Green to Appear Pro Hac Vice ( filing fee paid \$ 100.00, receipt number ARIDC-2093097 ) filed by State of Rhode Island. (Giarrano, Leonard) (Entered: 01/29/2025)
01/29/2025		TEXT ORDER granting <u>31</u> Motion to Appear Pro Hac Vice of Heidi Parry Stern. So Ordered by Chief Judge John J. McConnell, Jr. on 1/29/2025. (Hill, Cherelle) (Entered: 01/29/2025)
01/29/2025		TEXT ORDER granting <u>32</u> Motion to Appear Pro Hac Vice of Elizabeth Kramer. So Ordered by Chief Judge John J. McConnell, Jr. on 1/29/2025. (Hill, Cherelle) (Entered: 01/29/2025)
01/29/2025	<u>39</u>	

		NOTICE of Appearance by Daniel Schwei on behalf of All Defendants (Schwei, Daniel) (Entered: 01/29/2025)
01/29/2025	<u>40</u>	MOTION for Rabia Muqaddam to Appear Pro Hac Vice ( filing fee paid \$ 100.00, receipt number ARIDC-2093108 ) filed by State of Rhode Island. (Giarrano, Leonard) (Entered: 01/29/2025)
01/29/2025	<u>41</u>	MOTION for Neil Giovanatti to Appear Pro Hac Vice ( filing fee paid \$ 100.00, receipt number ARIDC-2093110 ) filed by State of Rhode Island. (Giarrano, Leonard) (Entered: 01/29/2025)
01/29/2025	<u>42</u>	MOTION for Vanessa L. Kassab to Appear Pro Hac Vice ( filing fee paid \$ 100.00, receipt number ARIDC-2093113 ) filed by State of Rhode Island. (Giarrano, Leonard) (Entered: 01/29/2025)
01/29/2025	<u>43</u>	NOTICE by Donald Trump, U.S. Office of Management and Budget, Matthew Vaeth, U.S. Department of the Treasury, Scott Bessent, Patricia Collins, U.S. Department of Health and Human Services, Dorothy A Fink, U.S. Department of Education, Denise Carter, U.S. Federal Emergency Management Agency, Cameron Hamilton, U.S. Department of Transportation, Judith Kaleta, U.S. Department of Labor, Vince Micone, U.S. Department of Energy, Ingrid Kolb, U.S. Environmental Protection Agency, James Payne, U.S. Department of Homeland Security, Kristi Noem, U.S. Department of Justice, James R McHenry, III, The National Science Foundation, Sethuraman Panchanathan re <u>3</u> MOTION for Temporary Restraining Order of <i>Factual Developments</i> (Attachments: # <u>1</u> Exhibit OMB Mem M-25-14, Rescission of M-25-13 (Jan. 28, 2025))(Schwei, Daniel) (Entered: 01/29/2025)
01/29/2025		TEXT ORDER granting <u>33</u> Motion to Appear Pro Hac Vice of Adam Kirschner. So Ordered by Chief Judge John J. McConnell, Jr. on 1/29/2025. (Hill, Cherelle) (Entered: 01/29/2025)
01/29/2025		TEXT ORDER granting <u>34</u> Motion to Appear Pro Hac Vice of Carly J. Munson. So Ordered by Chief Judge John J. McConnell, Jr. on 1/29/2025. (Hill, Cherelle) (Entered: 01/29/2025)
01/29/2025		TEXT ORDER granting <u>35</u> Motion to Appear Pro Hac Vice of Christopher J. Kissel. So Ordered by Chief Judge John J. McConnell, Jr. on 1/29/2025. (Hill, Cherelle) (Entered: 01/29/2025)
01/29/2025		TEXT ORDER granting <u>36</u> Motion to Appear Pro Hac Vice of Kenneth J. Sugarman. So Ordered by Chief Judge John J. McConnell, Jr. on 1/29/2025. (Hill, Cherelle) (Entered: 01/29/2025)
01/29/2025		TEXT ORDER granting <u>37</u> Motion to Appear Pro Hac Vice of Lara Haddad. So Ordered by Chief Judge John J. McConnell, Jr. on 1/29/2025. (Hill, Cherelle) (Entered: 01/29/2025)
01/29/2025		TEXT ORDER granting <u>38</u> Motion to Appear Pro Hac Vice of Nicholas R. Green. So Ordered by Chief Judge John J. McConnell, Jr. on 1/29/2025. (Hill, Cherelle) (Entered: 01/29/2025)
01/29/2025		TEXT ORDER granting <u>40</u> Motion to Appear Pro Hac Vice of Rabia Muqaddam. So Ordered by Chief Judge John J. McConnell, Jr. on 1/29/2025. (Hill, Cherelle) (Entered: 01/29/2025)
01/29/2025		

		TEXT ORDER granting <u>41</u> Motion to Appear Pro Hac Vice of Neil Giovanatti. So Ordered by Chief Judge John J. McConnell, Jr. on 1/29/2025. (Hill, Cherelle) (Entered: 01/29/2025)
01/29/2025		TEXT ORDER granting <u>42</u> Motion to Appear Pro Hac Vice of Vanessa L. Kassab. So Ordered by Chief Judge John J. McConnell, Jr. on 1/29/2025. (Hill, Cherelle) (Entered: 01/29/2025)
01/29/2025		Minute Entry for proceedings held before Chief Judge John J. McConnell, Jr.: Motion Hearing via Zoom held on 1/29/2025 re: <u>3</u> MOTION for Temporary Restraining Order filed by State of New York, et al. Counsel present: S. Rice, K. Sabatini; M. Thomas-Jensen, R. Muqaddam; A. Hemmer; C. Chuang, L. Faer; K. Dirks; D. Schwei. Court addresses withdrawal of the OMD memo; Plaintiffs (Rice) responds. Court questions Plaintiffs. One exhibit admitted as evidence. Defendants (Schwei) argues; Court questions Defendants. Plaintiffs (Rice) give reply argument. Court orders Plaintiffs/States to prepare a proposed order and share it with Defendants before submitting to the Court. Upon submission to the Court (via email to Case Manager), the Defendants will have 24-hours to response to the proposed order by letter-brief. Court will then consider the proposed order and response and schedule a conference if necessary. Adjourned. (Court Reporter Denise Webb in Courtroom Remote via Zoom Videoconference at 3:00 PM.) (Jackson, Ryan) (Entered: 01/29/2025)
01/29/2025	<u>44</u>	Exhibit List for 1/29/25 Motion Hearing on TRO before Chief Judge McConnell. (Jackson, Ryan) (Entered: 01/29/2025)
01/29/2025	<u>45</u>	MOTION for Anjana Samant to Appear Pro Hac Vice ( filing fee paid \$ 100.00, receipt number ARIDC-2093253 ) filed by State of Rhode Island. (Giarrano, Leonard) (Entered: 01/29/2025)
01/30/2025		TEXT ORDER granting <u>45</u> Motion to Appear Pro Hac Vice of Anjana Samant. So Ordered by Chief Judge John J. McConnell, Jr. on 1/30/2025. (Hill, Cherelle) (Entered: 01/30/2025)
01/30/2025	<u>46</u>	DOCKET NOTE: Proposed Temporary Restraining Order filed by State of NY, et al. Received by the Court at 6:15 PM on 1/29/25. (Jackson, Ryan) (Entered: 01/30/2025)
01/30/2025	<u>47</u>	MOTION for Leave to File Amicus Brief filed by Freedom Cheteni. <b>Responses due by 2/13/2025.</b> (Attachments: # <u>1</u> Proposed Amicus, # <u>2</u> Exhibit, # <u>3</u> Exhibit, # <u>4</u> Exhibit, # <u>5</u> Exhibit, # <u>6</u> Exhibit, # <u>7</u> Exhibit)(Simoncelli, Michael) (Entered: 01/30/2025)
01/30/2025		TEXT ORDER denying <u>47</u> Motion for Leave to File Amicus Brief. So Ordered by Chief Judge John J. McConnell, Jr. on 1/30/2025. (Jackson, Ryan) (Entered: 01/30/2025)
01/30/2025	<u>48</u>	MOTION Motion to Supplement Record re: <u>3</u> MOTION for Temporary Restraining Order filed by All Plaintiffs. <b>Responses due by 2/13/2025.</b> (Attachments: # <u>1</u> Exhibit Sugarman Decl. and Exhibits)(Rice, Sarah) (Entered: 01/30/2025)
01/30/2025	<u>49</u>	RESPONSE In Opposition to <u>3</u> MOTION for Temporary Restraining Order filed by All Defendants. <b>Replies due by 2/6/2025.</b> (Attachments: # <u>1</u> Exhibit OMB Guidance (Jan. 28, 2025))(Schwei, Daniel) (Entered: 01/30/2025)
01/31/2025		TEXT ORDER granting <u>48</u> MOTION to Supplement Record re: <u>3</u> MOTION for Temporary Restraining Order. So Ordered by Chief Judge John J. McConnell, Jr. on

		1/31/2025. (Jackson, Ryan) (Entered: 01/31/2025)
01/31/2025	<u>50</u>	TEMPORARY RESTRAINING ORDER granting <u>3</u> Motion for TRO. So Ordered by Chief Judge John J. McConnell, Jr. on 1/31/2025. (Jackson, Ryan) (Entered: 01/31/2025)
02/03/2025	<u>51</u>	NOTICE by Donald Trump, U.S. Office of Management and Budget, Matthew Vaeth, U.S. Department of the Treasury, Scott Bessent, Patricia Collins, U.S. Department of Health and Human Services, Dorothy A Fink, U.S. Department of Education, Denise Carter, U.S. Federal Emergency Management Agency, Cameron Hamilton, U.S. Department of Transportation, Judith Kaleta, U.S. Department of Labor, Vince Micone, U.S. Department of Energy, Ingrid Kolb, U.S. Environmental Protection Agency, James Payne, U.S. Department of Homeland Security, Kristi Noem, U.S. Department of Justice, James R McHenry, III, The National Science Foundation, Sethuraman Panchanathan re <u>50</u> Order on Motion for TRO (Attachments: # <u>1</u> Exhibit Written Notice of Court Order)(Schwei, Daniel) (Entered: 02/03/2025)
02/03/2025	<u>52</u>	NOTICE of Appearance by Eitan Sirkovich on behalf of All Defendants (Sirkovich, Eitan) (Entered: 02/03/2025)
02/03/2025		TEXT ORDER: Plaintiffs' Motion for Preliminary Injunction and Memorandum in Support is due on or before Friday 2/7/2025; Defendants' Opposition and Memorandum is due on or before Wednesday 2/12/25; Plaintiffs' Reply is due two days after the filing of the Defendants' opposition. So Ordered by Chief Judge John J. McConnell, Jr. on 2/3/2025. (Jackson, Ryan) (Entered: 02/03/2025)
02/03/2025	<u>53</u>	NOTICE of Appearance by Andrew Freidah on behalf of All Defendants (Freidah, Andrew) (Entered: 02/03/2025)
02/04/2025	<u>54</u>	MOTION for Turner Helen Smith to Appear Pro Hac Vice ( filing fee paid \$ 100.00, receipt number ARIDC-2095192 ) filed by State of Rhode Island. (Giarrano, Leonard) (Entered: 02/04/2025)
02/04/2025	<u>55</u>	MOTION for Anna Lumelsky to Appear Pro Hac Vice ( filing fee paid \$ 100.00, receipt number ARIDC-2095198 ) filed by State of Rhode Island. (Giarrano, Leonard) (Entered: 02/04/2025)
02/04/2025	<u>56</u>	MOTION for Michael Joseph Myers to Appear Pro Hac Vice ( filing fee paid \$ 100.00, receipt number ARIDC-2095201 ) filed by State of Rhode Island. (Giarrano, Leonard) (Entered: 02/04/2025)
02/04/2025		TEXT ORDER granting <u>54</u> Motion to Appear Pro Hac Vice of Turner Helen Smith. So Ordered by Chief Judge John J. McConnell, Jr. on 2/4/2025. (Gonzalez Gomez, Viviana) (Entered: 02/04/2025)
02/04/2025		TEXT ORDER granting <u>55</u> Motion to Appear Pro Hac Vice of Anna Lumelsky. So Ordered by Chief Judge John J. McConnell, Jr. on 2/4/2025. (Gonzalez Gomez, Viviana) (Entered: 02/04/2025)
02/04/2025		TEXT ORDER granting <u>56</u> Motion to Appear Pro Hac Vice of Michael Joseph Myers. So Ordered by Chief Judge John J. McConnell, Jr. on 2/4/2025. (Gonzalez Gomez, Viviana) (Entered: 02/04/2025)
02/04/2025		NOTICE of CONFERENCE: Chambers Conference via Zoom <b><i>scheduled for Thursday 2/6/2025 at 9:30 AM as a Remote Conference</i></b> before Chief Judge John J. McConnell, Jr. This conference is for <u>COUNSEL ONLY</u> and Zoom Meeting

		information has been provided to counsel under separate cover. THIS IS NOT A PUBLIC HEARING. (Jackson, Ryan) (Entered: 02/04/2025)
02/04/2025	<u>57</u>	MOTION for Marie E. Logan to Appear Pro Hac Vice ( filing fee paid \$ 100.00, receipt number ARIDC-2095272 ) filed by State of Rhode Island. (Giarrano, Leonard) (Entered: 02/04/2025)
02/04/2025	<u>58</u>	MOTION for Theodore McCombs to Appear Pro Hac Vice ( filing fee paid \$ 100.00, receipt number ARIDC-2095275 ) filed by State of Rhode Island. (Giarrano, Leonard) (Entered: 02/04/2025)
02/04/2025		TEXT ORDER granting <u>57</u> Motion to Appear Pro Hac Vice of Marie E. Logan. So Ordered by Chief Judge John J. McConnell, Jr. on 2/4/2025. (Hill, Cherelle) (Entered: 02/04/2025)
02/04/2025		TEXT ORDER granting <u>58</u> Motion to Appear Pro Hac Vice of Theodore McCombs. So Ordered by Chief Judge John J. McConnell, Jr. on 2/4/2025. (Hill, Cherelle) (Entered: 02/04/2025)
02/04/2025	<u>59</u>	NOTICE of Appearance by Turner Helen Smith on behalf of Commonwealth of Massachusetts (Smith, Turner) (Entered: 02/04/2025)
02/04/2025	<u>60</u>	MOTION to Intervene filed by Arthur West. <b>Responses due by 2/18/2025.</b> (Attachments: # <u>1</u> DESCHUTES ESTUARY GRANT INFORMATION, # <u>2</u> NEPA NOV 25 As filed, # <u>3</u> NEPA NOV 25 EXHIBITS, # <u>4</u> WEST V. REED MISREPRESENTATION OF INJUNCTION, # <u>5</u> Email)(Hill, Cherelle) (Entered: 02/04/2025)
02/04/2025	<u>61</u>	NOTICE of Appearance by Anna Esther Lumelsky on behalf of Commonwealth of Massachusetts (Lumelsky, Anna) (Entered: 02/04/2025)
02/05/2025		Reset Hearings re: Notice of Public Chambers Conference via Zoom <b><i>scheduled for Thursday 2/6/2025 at 9:30 AM as a Remote Conference</i></b> before Chief Judge John J. McConnell, Jr. This conference will now be available for public viewing via the Court's YouTube channel; information on connecting to the conference is available on the Court's website. Counsel are still directed to connect to the conference via Zoom with the meeting invitation previously sent to counsel via email. (Jackson, Ryan) (Entered: 02/05/2025)
02/05/2025	<u>62</u>	MOTION for Nathan T. Arrowsmith to Appear Pro Hac Vice ( filing fee paid \$ 100.00, receipt number ARIDC-2096068 ) filed by State of Rhode Island. (Giarrano, Leonard) (Entered: 02/05/2025)
02/06/2025		TEXT ORDER granting <u>62</u> Motion to Appear Pro Hac Vice of Nathan T. Arrowsmith. So Ordered by Chief Judge John J. McConnell, Jr. on 2/6/2025. (Hill, Cherelle) (Entered: 02/06/2025)
02/06/2025		Minute Entry for proceedings held before Chief Judge John J. McConnell, Jr.: Chambers Conference via Zoom held on 2/6/2025. Counsel present: S. Rice, K. Sabatini, L. Giarrano; R. Muqaddam, M. Thomas-Jensen, C. Faherty; L. Faer, T. McCombs; K. Dirks; D. Schwei, E. Sirkovich. (Jackson, Ryan) (Entered: 02/06/2025)
02/06/2025		TEXT ORDER: The Court extends the <u>50</u> TEMPORARY RESTRAINING ORDER for good cause including the complexity of the issues involved, the number of parties, and the need to maintain the status quo while this matter is being expeditiously litigated – until the Court enters an order on the Plaintiffs' Motion for Preliminary

		Injunction. So Ordered by Chief Judge John J. McConnell, Jr. on 2/6/2025. (Jackson, Ryan) (Entered: 02/06/2025)
02/06/2025	<u>63</u>	TRANSCRIPT ORDER for proceedings held on Jan. 29, 2025 before Judge Chief Judge McConnell. <b>Daily Transcript selected.</b> Transcript to be delivered following adjournment and prior to the normal opening hour of court on the following morning.. (Schwei, Daniel) (Entered: 02/06/2025)
02/06/2025	<u>64</u>	MOTION for Jill Lacedonia to Appear Pro Hac Vice ( filing fee paid \$ 100.00, receipt number ARIDC-2096517 ) filed by State of Rhode Island. (Giarrano, Leonard) (Entered: 02/06/2025)
02/07/2025		TEXT ORDER granting <u>64</u> Motion to Appear Pro Hac Vice of Jill Lacedonia. So Ordered by Chief Judge John J. McConnell, Jr. on 2/7/2025. (Hill, Cherelle) (Entered: 02/07/2025)
02/07/2025	<u>65</u>	TRANSCRIPT ORDER ACKNOWLEDGMENT Entered re: <u>63</u> Transcript Order,. Daily Transcript Ordered. Court Reporter/Transcriber: Denise Webb. (Dias, Jennifer) (Entered: 02/07/2025)
02/07/2025	<u>66</u>	Emergency MOTION <i>to Enforce</i> re: <u>50</u> Order on Motion for TRO filed by All Plaintiffs. <b>Responses due by 2/21/2025.</b> (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C)(Rice, Sarah) (Entered: 02/07/2025)
02/07/2025	<u>67</u>	MOTION for Preliminary Injunction filed by All Plaintiffs. <b>Responses due by 2/21/2025.</b> (Thomas-Jensen, Molly) (Entered: 02/07/2025)
02/07/2025		TEXT ORDER: Defendants are hereby ORDERED to Respond to Plaintiffs' <u>66</u> Emergency MOTION to Enforce re: <u>50</u> Order on Motion for TRO <i>by this Sunday, 2/9/2025.</i> So Ordered by Chief Judge John J. McConnell, Jr. on 2/7/2025. (Jackson, Ryan) (Entered: 02/07/2025)
02/07/2025	<u>68</u>	DECLARATION re <u>67</u> MOTION for Preliminary Injunction by All Plaintiffs. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6, # <u>7</u> Exhibit 7, # <u>8</u> Exhibit 8, # <u>9</u> Exhibit 9, # <u>10</u> Exhibit 10, # <u>11</u> Exhibit 11, # <u>12</u> Exhibit 12, # <u>13</u> Exhibit 13, # <u>14</u> Exhibit 14, # <u>15</u> Exhibit 15, # <u>16</u> Exhibit 16, # <u>17</u> Exhibit 17, # <u>18</u> Exhibit 18, # <u>19</u> Exhibit 19, # <u>20</u> Exhibit 20, # <u>21</u> Exhibit 21, # <u>22</u> Exhibit 22, # <u>23</u> Exhibit 23, # <u>24</u> Exhibit 24, # <u>25</u> Exhibit 25, # <u>26</u> Exhibit 26, # <u>27</u> Exhibit 27, # <u>28</u> Exhibit 28, # <u>29</u> Exhibit 29, # <u>30</u> Exhibit 30, # <u>31</u> Exhibit 31, # <u>32</u> Exhibit 32, # <u>33</u> Exhibit 33, # <u>34</u> Exhibit 34, # <u>35</u> Exhibit 35, # <u>36</u> Exhibit 36, # <u>37</u> Exhibit 37, # <u>38</u> Exhibit 38, # <u>39</u> Exhibit 39, # <u>40</u> Exhibit 40, # <u>41</u> Exhibit 41, # <u>42</u> Exhibit 42, # <u>43</u> Exhibit 43, # <u>44</u> Exhibit 44, # <u>45</u> Exhibit 45, # <u>46</u> Exhibit 46, # <u>47</u> Exhibit 47, # <u>48</u> Exhibit 48, # <u>49</u> Exhibit 49, # <u>50</u> Exhibit 50, # <u>51</u> Exhibit 51, # <u>52</u> Exhibit 52, # <u>53</u> Exhibit 53, # <u>54</u> Exhibit 54, # <u>55</u> Exhibit 55, # <u>56</u> Exhibit 56, # <u>57</u> Exhibit 57, # <u>58</u> Exhibit 58, # <u>59</u> Exhibit 59, # <u>60</u> Exhibit 60, # <u>61</u> Exhibit 61, # <u>62</u> Exhibit 62, # <u>63</u> Exhibit 63, # <u>64</u> Exhibit 64, # <u>65</u> Exhibit 65, # <u>66</u> Exhibit 66, # <u>67</u> Exhibit 67, # <u>68</u> Exhibit 68, # <u>69</u> Exhibit 69, # <u>70</u> Exhibit 70, # <u>71</u> Exhibit 71, # <u>72</u> Exhibit 72, # <u>73</u> Exhibit 73, # <u>74</u> Exhibit 74, # <u>75</u> Exhibit 75, # <u>76</u> Exhibit 76, # <u>77</u> Exhibit 77, # <u>78</u> Exhibit 78, # <u>79</u> Exhibit 79, # <u>80</u> Exhibit 80, # <u>81</u> Exhibit 81, # <u>82</u> Exhibit 82, # <u>83</u> Exhibit 83, # <u>84</u> Exhibit 84, # <u>85</u> Exhibit 85, # <u>86</u> Exhibit 86, # <u>87</u> Exhibit 87, # <u>88</u> Exhibit 88, # <u>89</u> Exhibit 89, # <u>90</u> Exhibit 90, # <u>91</u> Exhibit 91, # <u>92</u> Exhibit 92, # <u>93</u> Exhibit 93, # <u>94</u> Exhibit 94, # <u>95</u> Exhibit 95, # <u>96</u> Exhibit 96, # <u>97</u> Exhibit 97, # <u>98</u> Exhibit 98, # <u>99</u> Exhibit 99, # <u>100</u> Exhibit 100, # <u>101</u> Exhibit 101, # <u>102</u> Exhibit 102, # <u>103</u> Exhibit 103, # <u>104</u> Exhibit 104, # <u>105</u> Exhibit 105, # <u>106</u> Exhibit 106, # <u>107</u> Exhibit 107, # <u>108</u> Exhibit 108, # <u>109</u> Exhibit 109, #

		<u>110</u> Exhibit 110, # <u>111</u> Exhibit 111, # <u>112</u> Exhibit 112, # <u>113</u> Exhibit 113, # <u>114</u> Exhibit 114, # <u>115</u> Exhibit 115, # <u>116</u> Exhibit 116, # <u>117</u> Exhibit 117, # <u>118</u> Exhibit 118, # <u>119</u> Exhibit 119, # <u>120</u> Exhibit 120, # <u>121</u> Exhibit 121, # <u>122</u> Exhibit 122, # <u>123</u> Exhibit 123, # <u>124</u> Exhibit 124, # <u>125</u> Exhibit 125, # <u>126</u> Exhibit 126, # <u>127</u> Exhibit 127)(Thomas–Jensen, Molly) <b>CLERK'S NOTE: PDF error in original Exhibit 83, corrected version filed at ECF No. <u>101</u> . Docket text modified on 2/11/2025.</b> (Gonzalez Gomez, Viviana) (Entered: 02/07/2025)
02/07/2025	<u>69</u>	Summons Request filed by State of Rhode Island. (Giarrano, Leonard) (Entered: 02/07/2025)
02/09/2025	<u>70</u>	RESPONSE In Opposition to <u>66</u> Emergency MOTION to Enforce re: <u>50</u> Order on Motion for TRO filed by All Defendants. <b>Replies due by 2/18/2025.</b> (Schwei, Daniel) (Entered: 02/09/2025)
02/10/2025		TEXT ORDER denying <u>60</u> Motion to Intervene. So Ordered by Chief Judge John J. McConnell, Jr. on 2/10/2025. (Jackson, Ryan) (Entered: 02/10/2025)
02/10/2025	<u>71</u>	Summons Request filed by State of Rhode Island. (Giarrano, Leonard) (Entered: 02/10/2025)
02/10/2025	<u>72</u>	Summons Request filed by State of Rhode Island. (Giarrano, Leonard) (Entered: 02/10/2025)
02/10/2025	<u>73</u>	Summons Request filed by State of Rhode Island. (Giarrano, Leonard) (Entered: 02/10/2025)
02/10/2025	<u>74</u>	Summons Request filed by State of Rhode Island. (Giarrano, Leonard) (Entered: 02/10/2025)
02/10/2025	<u>75</u>	Summons Request filed by State of Rhode Island. (Giarrano, Leonard) (Entered: 02/10/2025)
02/10/2025	<u>76</u>	Summons Request filed by State of Rhode Island. (Giarrano, Leonard) (Entered: 02/10/2025)
02/10/2025	<u>77</u>	Summons Request filed by State of Rhode Island. (Giarrano, Leonard) (Entered: 02/10/2025)
02/10/2025	<u>78</u>	Summons Request filed by State of Rhode Island. (Giarrano, Leonard) (Entered: 02/10/2025)
02/10/2025	<u>79</u>	Summons Request filed by State of Rhode Island. (Giarrano, Leonard) (Entered: 02/10/2025)
02/10/2025	<u>80</u>	Summons Request filed by State of Rhode Island. (Giarrano, Leonard) (Entered: 02/10/2025)
02/10/2025	<u>81</u>	Summons Request filed by State of Rhode Island. (Giarrano, Leonard) (Entered: 02/10/2025)
02/10/2025	<u>82</u>	Summons Request filed by State of Rhode Island. (Giarrano, Leonard) (Entered: 02/10/2025)
02/10/2025	<u>83</u>	Summons Request filed by State of Rhode Island. (Giarrano, Leonard) (Entered: 02/10/2025)
02/10/2025	<u>84</u>	

		Summons Request filed by State of Rhode Island. (Giarrano, Leonard) (Entered: 02/10/2025)
02/10/2025	<u>85</u>	Summons Request filed by State of Rhode Island. (Giarrano, Leonard) (Entered: 02/10/2025)
02/10/2025	<u>86</u>	Summons Request filed by State of Rhode Island. (Giarrano, Leonard) (Entered: 02/10/2025)
02/10/2025	<u>87</u>	Summons Request filed by State of Rhode Island. (Giarrano, Leonard) (Entered: 02/10/2025)
02/10/2025	<u>88</u>	Summons Request filed by State of Rhode Island. (Giarrano, Leonard) (Entered: 02/10/2025)
02/10/2025	<u>89</u>	Summons Request filed by State of Rhode Island. (Giarrano, Leonard) (Entered: 02/10/2025)
02/10/2025	<u>90</u>	Summons Request filed by State of Rhode Island. (Giarrano, Leonard) (Entered: 02/10/2025)
02/10/2025	<u>91</u>	Summons Request filed by State of Rhode Island. (Giarrano, Leonard) (Entered: 02/10/2025)
02/10/2025	<u>92</u>	Summons Request filed by State of Rhode Island. (Giarrano, Leonard) (Entered: 02/10/2025)
02/10/2025	<u>93</u>	Summons Request filed by State of Rhode Island. (Giarrano, Leonard) (Entered: 02/10/2025)
02/10/2025	<u>94</u>	Summons Request filed by State of Rhode Island. (Giarrano, Leonard) (Entered: 02/10/2025)
02/10/2025	<u>95</u>	Summons Request filed by State of Rhode Island. (Giarrano, Leonard) (Entered: 02/10/2025)
02/10/2025	<u>96</u>	ORDER granting <u>66</u> Emergency MOTION to Enforce <u>50</u> Order on Motion for TRO. So Ordered by Chief Judge John J. McConnell, Jr. on 2/10/2025. (Jackson, Ryan) (Entered: 02/10/2025)
02/10/2025	<u>97</u>	Summons Issued as to Scott Bessent, Denise Carter, Patricia Collins, Dorothy A Fink, Cameron Hamilton, Judith Kaleta, Ingrid Kolb, James R McHenry, III, Vince Micone, Kristi Noem, Sethuraman Panchanathan, James Payne, The National Science Foundation, Donald Trump, U.S. Department of Education, U.S. Department of Energy, U.S. Department of Health and Human Services, U.S. Department of Homeland Security, U.S. Department of Justice, U.S. Department of Labor, U.S. Department of Transportation, U.S. Department of the Treasury, U.S. Environmental Protection Agency, U.S. Federal Emergency Management Agency, U.S. Office of Management and Budget, Matthew Vaeth. (Attachments: # <u>1</u> Summons Issued as to D. Carter, # <u>2</u> Summons Issued as to U.S. Department of Education, # <u>3</u> Summons Issued as to U.S. Department of Energy, # <u>4</u> Summons Issued as to U.S. Department of Labor, # <u>5</u> Summons Issued as to U.S. Department of Justice, # <u>6</u> Summons Issued as to D. Trump, # <u>7</u> Summons Issued as to D. Fink, # <u>8</u> Summons Issued as to U.S. Department of Transportation, # <u>9</u> Summons Issued as to U.S. Environmental Protection Agency, # <u>10</u> Summons Issued as to U.S. Federal Emergency Management Agency, # <u>11</u> Summons Issued as to U.S. Department of Health and Human Services,

		# <u>12</u> Summons Issued as to U.S. Department of Homeland Security, # <u>13</u> Summons Issued as to I. Kolb, # <u>14</u> Summons Issued as to J. Payne, # <u>15</u> Summons Issued as to J. McHenry, # <u>16</u> Summons Issued as to J. Kaleta, # <u>17</u> Summons Issued as to K. Noem, # <u>18</u> Summons Issued as to M. Vaeth, # <u>19</u> Summons Issued as to The National Science Foundation, # <u>20</u> Summons Issued as to U.S. Office of Management and Budget, # <u>21</u> Summons Issued as to Collins, # <u>22</u> Summons Issued as to S. Bessent, # <u>23</u> Summons Issued as to S. Panchanathan, # <u>24</u> Summons Issued as to U.S. Department of Treasury, # <u>25</u> Summons Issued as to V. Micone) (Gonzalez Gomez, Viviana) (Entered: 02/10/2025)
02/10/2025	<u>98</u>	NOTICE OF APPEAL by Donald Trump, U.S. Office of Management and Budget, Matthew Vaeth, U.S. Department of the Treasury, Scott Bessent, Patricia Collins, U.S. Department of Health and Human Services, Dorothy A Fink, U.S. Department of Education, Denise Carter, U.S. Federal Emergency Management Agency, Cameron Hamilton, U.S. Department of Transportation, Judith Kaleta, U.S. Department of Labor, Vince Micone, U.S. Department of Energy, Ingrid Kolb, U.S. Environmental Protection Agency, James Payne, U.S. Department of Homeland Security, Kristi Noem, U.S. Department of Justice, James R McHenry, III, The National Science Foundation, Sethuraman Panchanathan as to <u>50</u> Order on Motion for TRO, <u>96</u> Order on Motion for Miscellaneous Relief (No fee paid, USA, Waived by Statute, or IFP.)  <b>NOTICE TO COUNSEL: Counsel should register for a First Circuit CM/ECF Appellate Filer Account at <a href="http://pacer.psc.uscourts.gov/cmecf/">http://pacer.psc.uscourts.gov/cmecf/</a>. Counsel should also review the First Circuit requirements for electronic filing by visiting the CM/ECF Information section at <a href="http://www.ca1.uscourts.gov/cmecf">http://www.ca1.uscourts.gov/cmecf</a> Appeal Record due by 2/18/2025. (Schwei, Daniel) (Entered: 02/10/2025)</b>
02/10/2025	<u>99</u>	CLERK'S CERTIFICATE AND APPELLATE COVER SHEET: Abbreviated record on appeal consisting of notice of appeal, order(s) being appealed, and a copy of the district court docket report transmitted to the U.S. Court of Appeals for the First Circuit in accordance with 1st Cir. R. 11.0(b) re: <u>98</u> Notice of Appeal. Documents Sent: 50, 96. (Attachments: # <u>1</u> Record on Appeal) (Gonzalez Gomez, Viviana) (Entered: 02/10/2025)
02/10/2025	<u>100</u>	MOTION to Stay re <u>50</u> Order on Motion for TRO, <u>96</u> Order on Motion for Miscellaneous Relief <i>Pending Appeal</i> filed by All Defendants. <b>Responses due by 2/24/2025.</b> (Schwei, Daniel) (Entered: 02/10/2025)
02/11/2025		USCA Case Number 25–1138 for <u>98</u> Notice of Appeal, filed by U.S. Department of Energy, Scott Bessent, U.S. Department of Labor, U.S. Environmental Protection Agency, U.S. Federal Emergency Management Agency, U.S. Department of Health and Human Services, Sethuraman Panchanathan, The National Science Foundation, U.S. Department of the Treasury, U.S. Department of Homeland Security, Judith Kaleta, Donald Trump, Vince Micone, Patricia Collins, U.S. Department of Transportation, U.S. Office of Management and Budget, U.S. Department of Education, Kristi Noem, U.S. Department of Justice, James R McHenry, III, Ingrid Kolb, Dorothy A Fink, James Payne, Denise Carter, Matthew Vaeth, Cameron Hamilton. (Hill, Cherelle) (Entered: 02/11/2025)
02/11/2025	<u>101</u>	<i>Corrected</i> DECLARATION re: <u>68</u> Declaration – Exhibit 83 by All Plaintiffs. (Giarrano, Leonard) <b>CLERK'S NOTE: Docket text modified on 2/11/2025 to tie to prior filing.</b> (Gonzalez Gomez, Viviana) (Entered: 02/11/2025)
02/11/2025		

		TEXT ORDER: Plaintiffs State of NY, et al. shall have until <b>10 AM Wednesday 2/12/2025</b> to file a response to <u>100</u> MOTION to Stay re: <u>50</u> Order on Motion for TRO, <u>96</u> Order on Motion for Miscellaneous Relief <i>Pending Appeal</i> filed by Donald Trump, et al. So Ordered by Chief Judge John J. McConnell, Jr. on 2/11/2025. (Jackson, Ryan) (Entered: 02/11/2025)
02/11/2025		TEXT ORDER: Pursuant to Fed. R. Civ. P. 25(d), Russell Vought has been substituted for Matthew Vaeth as Director of the Office of Management and Budget in this action. So Ordered by Chief Judge John J. McConnell, Jr. on 2/11/2025. (Simoncelli, Michael) (Entered: 02/11/2025)
02/11/2025		TEXT ORDER: Pursuant to Fed. R. Civ. P. 25(d), Sean P. Duffy has been substituted for Judith Kaleta as Secretary of the Department of Transportation in this action. So Ordered by Chief Judge John J. McConnell, Jr. on 2/11/2025. (Simoncelli, Michael) (Entered: 02/11/2025)
02/11/2025		TEXT ORDER: Pursuant to Fed. R. Civ. P. 25(d), Christopher Allen Wright has been substituted for Ingrid Kolb as Secretary of the Department of Energy in this action. So Ordered by Chief Judge John J. McConnell, Jr. on 2/11/2025. (Simoncelli, Michael) (Entered: 02/11/2025)
02/11/2025		TEXT ORDER: Pursuant to Fed. R. Civ. P. 25(d), Lee Michael Zeldin has been substituted for James Payne as Administrator of the Environmental Protection Agency in this action. So Ordered by Chief Judge John J. McConnell, Jr. on 2/11/2025. (Simoncelli, Michael) (Entered: 02/11/2025)
02/11/2025	<u>102</u>	Emergency MOTION <i>Requesting Ruling by 11am on February 12 for Permission to Continue Withholding FEMA and Other Funding</i> re: <u>50</u> Order on Motion for TRO, <u>96</u> Order on Motion for Miscellaneous Relief filed by All Defendants. <b>Responses due by 2/25/2025.</b> (Attachments: # <u>1</u> Exhibit FEMA Hamilton Declaration, # <u>2</u> Exhibit Hamilton Decl Exhibit 1, # <u>3</u> Exhibit Hamilton Decl Exhibit 2, # <u>4</u> Exhibit Hamilton Decl Exhibit 3)(Schwei, Daniel) (Entered: 02/11/2025)
02/11/2025	<u>103</u>	Supplemental MOTION <i>Requesting Permission to Continue Payment Review Processes</i> re: <u>102</u> Emergency MOTION <i>Requesting Ruling by 11am on February 12 for Permission to Continue Withholding FEMA and Other Funding</i> re: <u>50</u> Order on Motion for TRO, <u>96</u> Order on Motion for Miscellaneous Relief filed by All Defendants. <b>Responses due by 2/25/2025.</b> (Attachments: # <u>1</u> Exhibit PMS Bruce Declaration)(Schwei, Daniel) (Entered: 02/11/2025)
02/11/2025	<u>104</u>	RESPONSE In Opposition to <u>102</u> Emergency MOTION <i>Requesting Ruling by 11am on February 12 for Permission to Continue Withholding FEMA and Other Funding</i> re: <u>50</u> Order on Motion for TRO, <u>96</u> Order on Motion for Miscellaneous Relief, <u>103</u> Supplemental MOTION <i>Requesting Permission to Continue Payment Review Processes</i> re: <u>102</u> Emergency MOTION <i>Requesting Ruling by 11am on February 12 for Permission to Continue Withholding FEMA and Other Funding</i> re: <u>50</u> Order o filed by All Plaintiffs. <b>Replies due by 2/18/2025.</b> (Muqaddam, Rabia) (Entered: 02/11/2025)
02/11/2025	<u>105</u>	RESPONSE In Opposition to <u>100</u> MOTION to Stay re <u>50</u> Order on Motion for TRO, <u>96</u> Order on Motion for Miscellaneous Relief <i>Pending Appeal</i> filed by All Plaintiffs. <b>Replies due by 2/18/2025.</b> (Lumelsky, Anna) (Entered: 02/11/2025)
02/12/2025	<u>106</u>	ORDER of the U.S. Court of Appeals for the First Circuit entered as to <u>98</u> Notice of Appeal, filed by U.S. Department of Energy, Scott Bessent, U.S. Department of

		Labor, U.S. Environmental Protection Agency, U.S. Federal Emergency Management Agency, U.S. Department of Health and Human Services, Sethuraman Panchanathan, The National Science Foundation, U.S. Department of the Treasury, U.S. Department of Homeland Security, Judith Kaleta, Donald Trump, Vince Micone, Patricia Collins, U.S. Department of Transportation, U.S. Office of Management and Budget, U.S. Department of Education, Kristi Noem, U.S. Department of Justice, James R McHenry, III, Ingrid Kolb, Dorothy A Fink, James Payne, Denise Carter, Matthew Vaeth, Cameron Hamilton. [25-1138] (Gonzalez Gomez, Viviana) (Entered: 02/12/2025)
02/12/2025	<u>107</u>	ORDER denying <u>102</u> Emergency MOTION <i>Requesting Ruling by 11am on February 12 for Permission to Continue Withholding FEMA and Other Funding</i> ; and, denying as moot <u>103</u> Supplemental MOTION <i>Requesting Permission to Continue Payment Review Processes</i> . So Ordered by Chief Judge John J. McConnell, Jr. on 2/12/2025. (Jackson, Ryan) (Main Document 107 replaced on 2/12/2025: corrected typographical error) (Jackson, Ryan). (Entered: 02/12/2025)
02/12/2025	<u>108</u>	Supplemental Record on Appeal transmitted to U.S. Court of Appeals for the First Circuit re: <u>98</u> Notice of Appeal. Unrestricted Documents Sent: 107. (Attachments: # <u>1</u> Record on Appeal) (Gonzalez Gomez, Viviana) (Entered: 02/12/2025)
02/12/2025	<u>109</u>	MOTION for Leave to File Amicus Brief filed by Rubin Young. <b>Responses due by 2/26/2025.</b> (Simoncelli, Michael) (Entered: 02/12/2025)
02/12/2025		TEXT ORDER denying <u>109</u> Motion for Leave to File Amicus Brief. So Ordered by Chief Judge John J. McConnell, Jr. on 2/12/2025. (Simoncelli, Michael) (Entered: 02/12/2025)
02/12/2025	<u>110</u>	MOTION for Leave to File Amicus Brief filed by American Center for Law and Justice. <b>Responses due by 2/26/2025.</b> (Attachments: # <u>1</u> Supporting Memorandum in Support of Defendants)(Bell, Brandon) (Entered: 02/12/2025)
02/12/2025	<u>111</u>	ORDER denying <u>100</u> Motion to Stay Pending Appeal. So Ordered by Chief Judge John J. McConnell, Jr. on 2/12/2025. (Jackson, Ryan) (Entered: 02/12/2025)

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF RHODE ISLAND

STATE OF NEW YORK; STATE OF  
CALIFORNIA; STATE OF ILLINOIS;  
STATE OF RHODE ISLAND; STATE  
OF NEW JERSEY;  
COMMONWEALTH OF  
MASSACHUSETTS; STATE OF  
ARIZONA; STATE OF COLORADO;  
STATE OF CONNECTICUT; STATE  
OF DELAWARE; THE DISTRICT OF  
COLUMBIA; STATE OF HAWAII;  
STATE OF MAINE; STATE OF  
MARYLAND; STATE OF  
MICHIGAN; STATE OF  
MINNESOTA; STATE OF NEVADA;  
STATE OF NORTH CAROLINA;  
STATE OF NEW MEXICO; STATE  
OF OREGON; STATE OF  
VERMONT; STATE OF  
WASHINGTON; and STATE OF  
WISCONSIN,

Plaintiffs,

v.

DONALD TRUMP, *in his Official  
Capacity as President of the United  
States*; U.S. OFFICE OF  
MANAGEMENT AND  
BUDGET; Russell Vought, *in his  
Official Capacity as Director of the  
U.S. Office of Management and  
Budget*; U.S. DEPARTMENT OF  
THE TREASURY; SCOTT BESSENT,  
*in his Official Capacity as Secretary of  
the Treasury*; PATRICIA COLLINS,  
*in her Official Capacity as Treasurer  
of the U.S.*; U.S. DEPARTMENT OF  
HEALTH AND HUMAN SERVICES;  
DOROTHY A. FINK, M.D., *in her*

C.A. No. 25-cv-39-JJM-PAS

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*Official Capacity As Acting Secretary* )  
*Of Health And Human Services; U.S.* )  
 DEPARTMENT OF EDUCATION; )  
 DENISE CARTER, *in her Official* )  
*Capacity as Acting Secretary of* )  
*Education; U.S. FEDERAL* )  
 EMERGENCY MANAGEMENT )  
 AGENCY; CAMERON HAMILTON, )  
*in his Official Capacity as Acting* )  
*Administrator of the U.S. Federal* )  
*Emergency Management Agency; U.S.* )  
 DEPARTMENT OF )  
 TRANSPORTATION; )  
 SEAN P. DUFFY, *in his Official* )  
*Capacity as Secretary of* )  
*Transportation; U.S. DEPARTMENT* )  
 OF LABOR; VINCE MICONE, *in his* )  
*Official Capacity as Acting Secretary* )  
*of Labor; U.S. DEPARTMENT OF* )  
 ENERGY; CHRISTOPHER ALLEN )  
 WRIGHT, *in his Official Capacity as* )  
*Secretary of the U.S. Department of* )  
*Energy; U.S. ENVIRONMENTAL* )  
 PROTECTION AGENCY; LEE )  
 MICHAEL ZELDIN, *in his Official* )  
*Capacity as Administrator of the U.S.* )  
*Environmental Protection Agency;* )  
 U.S. DEPARTMENT OF )  
 HOMELAND SECURITY; KRISTI )  
 NOEM, *in her Capacity as Secretary* )  
*of the U.S. Department of Homeland* )  
*Security; U.S. DEPARTMENT OF* )  
 JUSTICE; JAMES R. McHENRY III, )  
*in his Official Capacity as Acting* )  
*Attorney General of the U.S.* )  
*Department of Justice; THE* )  
 NATIONAL SCIENCE )  
 FOUNDATION; and DR. )  
 SETHURAMAN PANCHANATHAN, )  
*in his Capacity as Director of the* )  
*National Science Foundation,* )  
 )  
 Defendants. )  


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## ORDER

Three of the Court’s Orders issued in this case—(1) the January 31, 2025 temporary restraining order (TRO) (ECF No. 50), (2) the order extending the TRO, and (3) the order granting the Plaintiffs’ Motion to Enforce the TRO (ECF No. 96)—are the subjects of the Defendants’ Motion to Stay in light of their appeal of these Orders to the First Circuit Court of Appeals. ECF No. 100.

When ruling on a motion for a stay pending appeal, the Court must consider “(1) [w]hether the stay applicant has made a strong showing that it is likely to succeed on the merits, (2) whether the applicant will be irreparably injured absent a stay, (3) whether [the] issuance of the stay will substantially injure the other parties interested in the proceeding, and (4) where the public interest lies.” *Dist. 4 Lodge of the Int’l Ass’n of Machinists & Aerospace Workers Loc. Lodge 207 v. Raimondo*, 18 F.4th 38, 42 (1st Cir. 2021) (quoting *Common Cause R.I. v. Gorbea*, 970 F.3d 11, 14 (1st Cir. 2020)).

### ***Likelihood of Success***

First, the Defendants have not made a strong showing that they are likely to succeed on the merits in challenging the Court’s Orders. The Defendants argue the Court’s Orders impugn an agency’s discretion and statutory authority to delay or pause funding based on reasons “wholly apart from the OMB Memorandum challenged in this case.” ECF No. 100 at 2. Moreover, the Defendants contend that the “broad relief” the Court provided to the Plaintiffs was based on a “single memorandum” that (1) has been withdrawn, (2) was limited to a “far narrower class

of funding,” and (3) simply instructed agencies to pause certain funding to the extent consistent with their underlying statutory authorities. *Id.* Thus, the Defendants assert that they have made a strong showing that they are likely to succeed on appeal. *Id.* at 3.

As the Court has since reaffirmed, the TRO permits the Defendants to limit access to funds based on *actual authority* from applicable statutes, regulations, and terms. *See* ECF No. 50 at 12; *see also* ECF No. 107 at 3. Thus, the Court has not stripped agencies of any statutory authority to limit access to federal funds. Nor has the Court impugned the Defendants’ ability to use discretion in limiting funding based on their actual authority from applicable statutes, regulations, and terms. Therefore, the Defendants’ arguments to the contrary are unfounded.

Moreover, to the extent that the Defendants renew their arguments that this case is moot based on the rescission of the OMB Directive, the Court reaffirms its finding that this matter is not moot. As the Court stated in the TRO, the evidence shows that the OMB Directive rescission was “in name-only” and that the “substantive effect of the directive carries on.” ECF No. 50 at 10. The Court reached this finding based on the statements from the President’s Press Secretary and actions of Executive agencies that suggested the temporary, categorical funding freeze mandated in the OMB Directive was still in effect despite the Directive’s rescission. *See id.* at 10-11. Further, since the TRO’s issuance, the Court has found times that the Defendants failed to resume dispersing federal funds in noncompliance with the TRO, which led to this Court’s Order enforcing the TRO. *See* ECF No. 96. Thus,

considering the Defendants' efforts to enforce a categorical federal funding freeze after the OMB Directive rescission and after the TRO was issued, the rescission of the OMB Directive does not render the Plaintiffs' challenges moot.

The Defendants also suggest that the OMB Directive applied to a much narrower class of funding and that agencies were directed to pause certain funding only to the extent permissible under their statutory authorities. As explained above, the TRO does not prevent the Defendants from limiting the disbursement of funds under their respective statutory authorities. *See* ECF No. 50 at 11, 12. Rather, the TRO was aimed at restraining any categorical federal funding pauses under the OMB Directive and the President's 2025 Executive Orders ("EO") until this Court can issue its order on the Plaintiffs' Motion for Preliminary Injunction. *See* ECF No. 50; *see also* Text Order extending the TRO (Feb. 6, 2025). The Court issued the TRO based on the Plaintiffs' evidence that substantiated a likelihood of success on the merits in establishing that the Defendants' pause of congressionally appropriated federal funding violated the Constitution and federal statutes such as the Administrative Procedure Act (5 U.S.C. § 551 *et seq*). *See* ECF No. 50 at 3-7. Thus, the TRO simply ordered the parties to maintain the status quo until this matter can be heard on the merits.<sup>1</sup>

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<sup>1</sup> The agreed-to schedule for hearing the preliminary injunction is that the Plaintiffs' memorandum was due February 7, 2025 (ECF No. 67), the Defendants' objection is due February 12, 2025 (today) and the Plaintiffs' reply is due February 14, 2025. The Court has scheduled an in-person hearing on the preliminary injunction motion for February 21, 2025.

### ***Irreparable Injury***

Turning next to the irreparable injury factor, the Defendants have not made an adequate showing that they will be irreparably injured absent a stay of the Court's Orders. Rather, the Defendants contend that the Plaintiffs have not established that they will suffer irreparable harm if the Court's Orders are stayed. ECF No. 100 at 3. While Plaintiffs' harm is relevant to consider on the third factor, the Defendants cannot flip their burden to prove irreparable injury onto the Plaintiffs as the movant for a stay. *See Nken v. Holder*, 556 U.S. 418, 433–34 (2009) ("The party requesting a stay bears the burden of showing that the circumstances justify an exercise of that discretion."). Thus, the Defendants' failure to plead any irreparable injury absent a stay weighs against granting this Motion.

### ***Balance of the Equities and Public Interest***

As to the final two factors, the balance of the equities and public interest do not weigh in favor of a stay of the Court's Orders pending appeal. The Defendants assert that the Court's Orders (1) prohibit the agencies' lawful exercise of their authorities to ensure proper and orderly expenditure of taxpayer funds, and (2) present separation of powers issues "by extending to the President and requiring agencies to ask the Court's permission before implementing pauses pursuant to their own authorities." ECF No. 100 at 3. Further, the Defendants contend that the Plaintiffs will not suffer irreparable harm if the Court's Orders are stayed pending appeal because (1) the OMB Directive that Plaintiffs challenge has been rescinded,

and (2) the Plaintiffs can proceed “through the ordinary course” to challenge any future deprivation of funds they believe is unlawful. *Id.*

The Court has clarified that its Orders neither prohibit agencies from exercising their lawful authority when imposing federal fund limitations nor require the Executive to ask the Court’s permission before implementing pauses under their lawful authority. *See* ECF No. 107 at 3 (“Neither the TRO (ECF No. 50), nor the Court’s subsequent Order (ECF No. 96) require the Defendants to seek “preclearance” from the Court before acting to terminate funding when that decision is based on *actual authority in the applicable statutory, regulatory, or grant terms.*”). Thus, the Court’s Orders do not implicate the separation of powers issues that the Defendants contend.

Further, the Plaintiffs will be irreparably injured if the Court issues a stay on its Orders and the public interest does not lie with issuing such a stay. As the Court found, the evidence highlighted that an overarching pause on federal funding that Congress allocated to the Plaintiff States would cause “severe disruption in their ability to administer . . . vital services—even if it is for a brief time.” ECF No. 50 at 7-8. The Court also determined the public interest favored the TRO because there was “a substantial risk that the States and its citizens will face a significant disruption in health, education, and other public services that are integral to their daily lives due to this pause in federal funding.” *Id.* at 9-10. Issuing a stay on the TRO would allow the Defendants to engage in the very unconstitutional and illegal conduct that the TRO aimed to temporarily restrain to promote the interests of the public and avoid

any irreparable harm to the Plaintiffs. Nothing suggests that the Defendants will not resume operating under the OMB Directive and the incorporated EOs if the Court stays the TRO. Thus, the Court finds that the risk of irreparable harm to Plaintiffs if the blanket categorical and unauthorized impoundment of funds resumes, paired with the public's interest in maintaining the status quo pending a full hearing, weighs against issuing a stay on the Court's Orders pending appeal.

The Court issued a TRO to temporarily continue the status quo, by prohibiting the freezing of funds Congress appropriated and authorized. The TRO is intended to ensure that appropriated funds are paid in accordance with its respective Congressional authorizing statute—i.e., a stand-still order until the Court can quickly take evidence, hear argument, and rule on this critical issue. Therefore, the Court DENIES the Defendants' Motion to Stay the Court's Orders pending appeal. ECF No. 100.

IT IS SO ORDERED.

*s/John J. McConnell, Jr.*

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John J. McConnell, Jr.  
Chief Judge  
United States District Court for the District of Rhode Island

February 12, 2025